

AUG 18 1982

Mr. Robert P. Wachsmuth
Environmental Engineer
Safety-Kleen Corporation
655 Big Timber Road
Elgin, Illinois 60120

Dear Mr. Wachsmuth:

Thank you for your July 15, 1982, letter which requested that the following facilities not be required to comply with the Federal financial requirements.

Location

EPA I.D. Number

[REDACTED]
Brentwood, Missouri
[REDACTED]

[REDACTED]
MOD096714829
[REDACTED]

redacted to remove
non-responsive
information

All hazardous waste treatment, storage and disposal (TSD) facilities in Missouri are required to comply with Federal financial requirements. Therefore, the above facilities would have to be removed from the Federal hazardous waste management program as a TSD facility to be exempt from the financial requirements. If you wish to delete the TSD status of these facilities, such a request should be submitted by a principal executive officer of at least the level of Vice President in the Safety-Kleen Corporation. In addition, the principal executive officer should address the following items.

1. Any hazardous waste activities or operations at these specific facilities which differ from those outlined in the July 21, 1981, letter from the Environmental Protection Agency Headquarters to your corporation should be discussed in detail. If there are no differences, please provide a statement to the effect.
2. Your current notifications reflect that these facilities also generate and transport hazardous wastes. If the residue or still bottoms generated from the reclamation of your hazardous waste solvents do not exhibit any of the characteristics in 40 CFR 261 Subpart C, you may wish to consider the applicability of deletion of the facilities' status as generators and transporters. The following discussion would be applicable if the residue or still bottoms are considered hazardous waste due to a characteristic.

APRM:WMBR:SPRS:PMTS:L FLOURNOY:jp:x6534:8/13/82

CONCURRENCES

SYMBOL	PMTS	PMTS	SPRS	SPRS	AWCM	WMBR
SURNAME	FLOURNOY	HARRINGTON	HARRIS	MCLAUGHLIN	CULVER	MORBY
DATE	8/13/82	8/13/82	8/13/82	8/13/82	8/16/82	



R00069367
RCRA Records Center

As provided in 40 CFR 261.5(a) - (e), a generator is a small quantity generator in a calendar month if he generates less than 1 kilogram of acute hazardous wastes or 100 kilograms of residue or debris resulting from the spill of an acute hazardous waste or less than 1,000 kilograms of other hazardous wastes. Small quantities of hazardous waste are exempted from full regulation if a small quantity generator complies with 40 CFR 261.5(g).

If a generator accumulates at any time more than the small quantities listed above, all accumulated wastes would become subject to full regulation as provided in 40 CFR 261.5(f). In this situation, a generator should remain in the hazardous waste management system as a generator rather than request small quantity generator status. A generator may accumulate hazardous wastes for up to 90 days after the small quantities are exceeded without a RCRA permit or interim status if he complies with certain requirements as detailed in 40 CFR 262.34. If accumulation exceeds 90 days, a generator must have either a RCRA permit or interim status.

We would appreciate receiving a brief discussion regarding the management of any residue or still bottoms, including whether or not these wastes are hazardous. Please revise or request withdrawal of your notification form and Part A permit application as applicable to your facilities. Be very sure that you do not inadvertently mark the TSD block in Section VI of the notification form if you wish to delete their TSD status.

Please note that Missouri has State hazardous waste regulations which are, in some respects, more stringent than Federal regulations. For example, Missouri has a 100 kilogram per month small quantity exemption rather than the Federal 1,000 kilogram per month small quantity exemption provided in 40 CFR 261.5(a). We recommend that you contact Mr. Joe Jansen with the Missouri Department of Natural Resources at (314) 751-3241 for specific information regarding State requirements applicable to your facilities.

3. As you mentioned in your letter, there are efforts underway by EPA Headquarters to revise the definition of solid waste and the regulations for recycled hazardous wastes. These amendments, which are still undergoing review and revision by EPA Headquarters, would be published as proposed regulations initially with an opportunity for public comment. However, it is my understanding at this time that the Agency is leaning toward regulating all off-site recycling facilities, which would include your facilities. We would therefore like to caution you that it is possible that you would be subject to full regulation at some future time.

4. Even though you have requested that the Safety-Kleen facilities in Missouri not be required to comply with the Federal financial requirements, you should be aware that all interim status TSD facilities in Missouri are required to comply with 40 CFR 265 Subpart H regarding financial requirements. This subpart became effective July 6, 1982, for closure and post-closure financial mechanisms and July 15, 1982, for sudden liability insurance requirements. Therefore, the possibility of compliance action does exist if a TSD facility has not complied with these financial requirements.

5. You should also be aware that the action you have requested pertains only to the Federal RCRA program and does not dismiss you from the necessity to comply with the Missouri Solid and Hazardous Waste Laws and Regulations, 260.200 - 260.240 RSMo and 260.350 - 260.430 RSMo respectively. If you have any questions concerning this, please contact the Waste Management Program of the Missouri Department of Natural Resources at 314-751-3241.

In order to expedite your request and avoid possible compliance action with regard to the financial responsibility regulations, it is necessary that we receive your response within 30 days of receipt of this letter. Your response and any questions you may have about its preparation should be addressed to Mrs. Betti Harris at 816-374-6534. Her role will be to see that you have the necessary procedural information and to track the progress of your request through our review.

We will look forward to your prompt response.

Sincerely yours,

Robert L. Morby
Chief, Waste Management Branch
Air and Waste Management Division

Enclosures

cc: David Bedan, MDNR
Howard Duncan, KDHE
Bob Wall, NDEC

bcc: Mike Sanderson, AWCM